

## **ZONING AND ADJUSTMENT BOARD**

***June 1, 2009***

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, June 1, 2009, at 6:30 pm with the following members present: Ron Berry, Nathan Yoder, Frank Topping-Vice-Chairman, Bailey Cassels, Frank Szczepanski, Brad Shepherd, Richard Cole, Marge Thies and Bob Hunt.

Members Dossie Singleton, Jessica Garner, Larry Story, and Woody Hill were absent.

Brad Cornelius, Planning Manager, and Sandy Cassels, Recording Secretary, were present. Derrill McAteer, Zoning and Adjustment Board Attorney, was also present.

Vice-Chairman Frank Topping called the meeting to order.

Mr. Berry led the pledge of allegiance, and Mr. Hunt led the prayer.

Mr. Topping presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the May 18, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

Larry Story – Chairman, arrived at 6:53 p.m.

### **R2009-0012**

**Julia Amor – Rezone 12.7 acres MOL from a non-vested M1 to RR1C to bring the property into compliance with the Future Land Use Map.**

The applicant was not present.

Mr. Cole made a motion to table this application until the end of the meeting. Mr. Berry seconded the motion, and the motion carried.

### **R2009-0013**

**Continental Utility, Inc. – Rezone 63.78 acres MOL from a non-vested C2 to RR5C.**

Laura Belflower, P.A., representative for the applicant, was present and requested a rezoning on 63.78 acres MOL from a non-vested C2 to RR5C. There were three notices sent. Of the three notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Cornelius stated the applicant requested to rezone the parcel from a non-vested C2 to RR5C to allow for a telecommunications tower. Mr. Cornelius also stated the zoning is consistent with the surrounding properties zoning.

Mr. Cole made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Berry seconded the motion, and the motion carried.

### **S2009-0011**

**Continental Utility, Inc. – Special Use Permit to allow a 185' telecommunications tower.**

Laura Belflower, P.A., representative for the applicant, was present and requested a Special Use Permit (SUP) to allow a telecommunications tower. There were three notices sent. Of the three notices sent, none were returned in favor or in objection. There were no objections from the audience.

Ms. Belflower stated the parcel is located within Continental Country Club and surrounded by a ball field and a golf course. Mr. Cornelius stated the Planning Department received final verification by a Radio Frequency (RF) Engineer which demonstrates there are no other existing or approved communication towers that meet the technical requirements of this communication tower.

Mr. Berry asked Ms. Belflower if this tower would be able to co-locate additional telecommunication antennas. Ms. Belflower stated the tower would be able to co-locate with up to four additional carriers.

Ms. Belflower explained the tower will fill in gaps where there is no coverage at this time. Mr. Shepherd asked how the RF Engineer makes his conclusion. Ms. Belflower responded the conclusion is based on the specific technical requirements of the tower.

Mr. Cole made a motion to approve the Special Use Permit to allow a 185' telecommunications tower contingent upon approval of R2009-0013 by the Sumter County Board of County Commissioners. Mr. Berry seconded the motion, and the motion carried.

#### **SS2009-0005**

#### **Evelyn & James Bryant, Sr. – Small Scale Land Use Amendment on 5 acres MOL from Agricultural to Commercial**

Garry Bach, representative for the applicant, was present and requested a small scale land use amendment on 5 acres MOL from Agricultural to Commercial. There were five notices sent. Of the five notices sent, two were returned in favor and two were returned in objection. Mr. Cornelius stated an additional letter in favor was returned just prior to the hearing. Mr. Cornelius summarized the letters of objection for the record. Mr. Cornelius gave a staff overview of the application. Mr. Cornelius stated the applicant requested a small scale land use amendment to commercial and a rezoning to CH (Heavy Commercial) to be able to utilize the property as a paving/excavating with a staging area. Mr. Cornelius explained the property has a Special Exception from the Sumter County Board of Adjustment (BA) 1 in 1993 to allow an agricultural trucking company. When the BA approved the Special Exception they placed conditions as to the number of trucks to be used in the operation, the number of trucks per day/week, ingress and egress, and the building meeting all county requirements. It was also stated when a Special Exception was granted, it runs with the property not the owner. Mr. Cornelius explained the City of Bushnell and the County are in discussions related to the future city limits and the City's vision of land uses for the next 20 years.

Mr. Cornelius stated staff does not recommend the proposed land use change unless it is tied to the Planned Commercial (CP) zoning.

Mr. Bach stated he would have a paving/excavating company at this location complete with a staging/storage area and a service shop. Mr. Bach explained he transports crushed rocks and asphalt as part of his business.

Mr. Cole asked Mr. Cornelius if the applicant has been advised of the County's position on the small scale land use amendment and rezoning. Mr. Cornelius stated he discussed with the applicant the county's concerns about the land use amendment and rezoning.

Harley Bosell, audience member, stated he is in favor of the Land Use Amendment. Mr. Bosell stated he has adjacent property to the north and sees no problem with the change. John Nelson, audience member, stated he is in objection to the change, as he feels there will be potential negative impacts to the surrounding properties. Anthony Carter, audience member, stated he is in objection to the land use change because he feels there will be potential negative impacts to the surrounding properties. Mr. Carter also stated tractor-trailers use CR 532W, which he believes has a negative impact on the county

road. Mr. Shepherd questioned Mr. Cornelius on the entrance to the subject property. Mr. Cornelius stated the BA case conditioned the entrance to C-475. Mr. Story stated the BA approved the use as a Special Exception for transporting of agricultural products. Mr. Bach stated there is a weight restriction on the Jumper Creek bridge on C-475, while there is no weight restriction on CR 532W, which is the reason the trucks go from US 301 to C-475 via CR 532W.

Mr. Szczepanski asked if the trucking company that is presently there hauls for themselves or for others. Mr. Cornelius stated they haul produce and hay. The Zoning and Adjustment Board (ZAB) members discussed the differences in the Special Exception and the Special Use Permits.

Mr. Shepherd asked Mr. Cornelius if he knows who the person is that wrote the letter of objection which discussed the asphalt company. Mr. Cornelius stated he believes it is the person who now rents the property.

Mr. McAteer explained the hearing for this case is not Quasi-Judicial.

Mr. Cole asked Mr. Cornelius if the case is denied what the time frame would be for the applicant to re-apply. Mr. Cornelius stated the applicant could not re-apply before 90 days and could be up to one year, depending on if the denial was with or without prejudice.

Mr. Cornelius explained the process for the applicant to amend his rezoning request to CP (Planned Commercial). Mr. Topping stated the ZAB leans more towards the CP zoning, so they have a clear understanding of the property usage, setbacks, buffering and screening, and hours.

Mr. Cole made a motion to table the application until June 15, 2009, to give the applicant sufficient time to decide if they would like to amend the application for the rezoning to CP. Mr. Berry seconded the motion, and the motion carried.

#### **R2009-0014**

##### **Evelyn & James Bryant, Sr. – Rezone 5 acres MOL from A5 to CH (Heavy Commercial)**

Mr. Cole made a motion to table this application until the June 15, 2009, ZAB meeting. Mr. Berry seconded the motion and the motion carried.

#### **R2009-0012**

##### **Julia Amor – Rezone 12.7 acres MOL from a non-vested M1 to RR1C to bring the property into compliance with the Future Land Use Map.**

Mr. Cole made a motion to remove this application from the table. Mr. Berry seconded the motion, and the motion carried.

The applicant was not present.

Mr. Cole made a motion to table this application until June 15, 2009, hearing and would be denied if the applicant did not appear at the June 15, 2009, hearing. Mr. Berry seconded the motion, and the motion carried. Mrs. Cassels stated she would notify the applicant that the case was tabled.

#### **Board Discussion**

Mr. McAteer informed the ZAB of the changes being worked on for Temporary Use Permits (TUP). Mr. McAteer stated some of the changes in the TUPs are tightening the standard for the caregivers/receivers. The TUPs that allow car sales, carnivals, and other temporary commercial events would also be revised. Mr. McAteer explained he has been working with the Planning

Department staff to create a draft of the new ordinance, which would come to the ZAB to make a recommendation to the Board of County Commissioners (BOCC) to approve and adopt.

Mr. Berry questioned the enforcement of the TUP's. Mr. Cornelius explained Mrs. Cassels prepares a monthly report and contacts the person who has a TUP that is about to expire. If the person does not respond to the initial letter, Sumter County Code Enforcement verifies whether the second residence is still in use; if so, the case is forwarded to Code Enforcement for processing.

Mrs. Cassels reminded the ZAB starting October 1, 2009, their meetings will be held at Colony Cottage.

Mr. Berry made a motion to adjourn at 7:45 p.m. Mr. Shepherd seconded the motion, and the motion carried.

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Larry Story, Chairman  
Zoning and Adjustment Board